

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICOLE STEWART SIZER,	*	C.A. No. 05-333-GMS
	*	
Plaintiff,	*	
	*	
v.	*	TRIAL BY JURY DEMANDED
	*	
INDEPENDENT NEWSPAPERS, INC.,	*	
a Delaware corporation,	*	
	*	
Defendant.	*	

MOTION TO AMEND

NOW COMES Plaintiff Nicole Stewart Sizer, by and through her attorneys, Schmittinger and Rodriguez, P.A., and pursuant to Fed. R. Civ. P. 15, and moves to amend the Complaint in this action as follows:

1. Plaintiff initially filed her Complaint alleging sex discrimination in violation of 19 Del. C. §710 et seq., as well as violations of the Family and Medical Leave Act, in the Superior Court of the State of Delaware.

2. Subsequently, Defendant removed the action to this Court.

3. Plaintiff now desires to amend her Complaint to substitute allegations of violations of 19 Del. C. §710 et seq. with allegations of violations of 42 U.S.C. §2000e et seq.

4. This amendment should result in no significant change to the case, but will simply allow this Court to apply Federal law rather than State law regarding Plaintiff's allegations of sex discrimination.

5. Plaintiff files this Motion to Amend within 90 days of

her receipt of a notice of right to sue from the Equal Employment Opportunity Commission (see Exhibit "A" attached hereto).

6. In addition, Plaintiff seeks to amend paragraph 13 of her Complaint to conform to her testimony given in her deposition, specifically, that Plaintiff discovered that she was pregnant and so informed Defendant in July 2003, after Plaintiff had received a promotion to Circulation Administration Specialist.

7. Finally, Plaintiff seeks minor revisions to the Complaint to correct the spelling of the last name of her immediate supervisor (Tera Pase).

8. In accordance with D.Del.L.R. 15.1, attached hereto as Exhibit "B", and incorporated herein by reference, is a form of the Amended Complaint indicating in what respect it differs from the original Complaint by bracketing materials to be deleted and underlining materials to be added.

9. Also attached to this Motion is the Complaint as amended.

WHEREFORE, Plaintiff respectfully requests that this Court allow the Complaint to be amended as stated herein.

Respectfully submitted,

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

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NEP:pmw